

REMARKS

Claim Status

The Office Action indicates that claims 1, 2, 4-9, 11-20 and 23-30 are pending. By this amendment, each of the independent claims (i.e., claims 1, 12, 20, 23, 27, 29, and 30) is amended for additional clarity, and claim 4 is canceled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1, 2, 5-9, 11-20 and 23-30 claims are pending upon entry of this amendment.

Claim Rejections Under 35 USC §§ 102(e) and 103(a)

Claims 1-2, 5-8, 11-13, 17, 18, 20, and 27-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2006/0242311 to Mai et al. ("Mai"). Additionally, under 35 U.S.C. §103(a), the Office Action rejects: (i) claims 4 and 4-16 as being unpatentable over Mai in view of U.S. Patent No. 6,160,843 to McHale et al. ("McHale."); and (ii) claims 9 and 23-26 as being unpatentable over Mai in view of U.S. Patent No. 6,901,445 to McCanne et al. ("McCanne"). Applicant respectfully traverses all rejections and requests reconsideration and withdrawal thereof for at least the reasons presented below.

Independent claims 1, 12, 20, 23, 27, 29 and 30 relate to systems and methods for providing streamed electronic content to a plurality of user terminals in a client network from at least one remote electronic content source, comprising a client-side computer in the client network operable to receive a streamed unicast transmission of the requested content from a remote content source and to distribute the received content to the user terminals in the client network. While Applicant respectfully maintains that Applicant's claimed subject matter (e.g., independent claims 1, 12, 20, 23, 27, 29, and 30) as pending prior to the present amendment is

patentably distinct over the prior art of record, Applicant has nevertheless amended each of the independent claims to further clarify the patentability of Applicant's claimed invention. For instance, claim 1, as amended herein, reads as follows:

1. A method for providing streamed electronic content to a plurality of user terminals in a client network from at least one remote electronic content source," and comprises:

receiving at a client-side computer requests from two or more user terminals in the client network for a common desired streamed content from the at least one remote electronic content store;

said client-side computer forwarding at least one content request to the at least one remote electronic content store for the common desired streamed content;

receiving by the client-side computer from the at least one content source a streamed unicast transmission of the requested content in response to said at least one content request;

said client-side computer distributing the received streamed content corresponding to said streamed unicast transmission to each of the requesting plurality of user terminals in the client network; and

said client-side computer being operative in terminating the content transmission being received by the client-side computer from the at least one content source when the client-side computer is not distributing the content to any of the requesting user terminals.

[Emphasis added to indicate herein presented amendment.]

In view of the above-indicated amendment, it is noted the Office Action acknowledges that "Mai fails to disclose terminating the content transmission when client-side server is not distributing content to the plurality of users," and asserts, however, that McHale "discloses terminating the content transmission from the at least one content source to the client-side computer when the client-side computer server is not distributing the content to any of the requesting user terminals. (Col 18 lines 26-36)." Office Action at page 6.

Applicant respectfully submits, however, that Mai and McHale, whether considered individually or in combination (assuming *arguendo* that one skilled in the art would have

combined the teachings of these references), neither teach nor suggest the combination of limitations recited in Applicant's claim 1. For example, Mai and McHale, individually or in combination, do not teach or suggest, *inter alia*, a "client-side computer . . . terminating the content transmission being received by the client-side computer from the at least one content source when the client-side computer is not distributing the content to any of the requesting user terminals," as recited in Applicant's claim 1.

McHale relates to a communication server apparatus that provides digital subscriber line (XDSL) services. McHale shows a communication server 58 located at a central office 14 and configured to couple a modem of a modem pool (located in communication server 58) to a subscriber line 16 upon detecting a need for data service from the subscriber system (computer 22), establishing a connection between the modem in the communication server and a modem (modem 30) in the subscriber system. Upon this connection being established, the subscriber engages in a data communication session with communication network 64 (e.g., the Internet) using network device 60 located at the central office. See, e.g., col. 5, ll. 9-19, 43-46; col. 7, ll. 8-18. If the communication server detects an extended period of inactivity for the data communication session, then the communication server can soft-terminate or hard-terminate the session. See, e.g., col 18, ll. 26-36 (cited in Office Action).

Applicant respectfully submits, however, that McHale's discussion of the communication server soft or hard terminating the data communication session, even in combination with Mai, does not teach or suggest, *inter alia*, a "client-side computer . . . terminating the content transmission being received by the client-side computer from the at least one content source when the client-side computer is not distributing the content to any of the requesting user terminals," as recited in Applicant's claim 1. For instance, in McHale, the communication

server is not operative in “terminating the content transmission being received by the client-side computer” at least inasmuch as when the communication server in McHale terminates the data communication session there is no content “being received” by the communication server (nor being transmitted by communication network 64). That is, McHale’s communication server terminates the data communication session (between the subscriber system and the communication network 64) when it detects that there is no data activity for the data communication session (e.g., no data is being communicated between the subscriber system and the communication network). See, e.g., col. 7, ll. 13-15 (“subscriber 12 engages in *a data communication session with communication network 64 using network device 60*”; emphasis added) and col. 17, ll. 18-20 (“the subscriber session is monitored in order to detect a period of inactivity on the part of *both the subscriber and the network device*”; emphasis added).

Accordingly, when McHale’s communication server terminates the session, there is already no data being received by the communication server; *a fortiori*, the communication server in McHale is not operative in terminating a “content transmission being received by the client-side computer.” Indeed, because in McHale data inactivity for the data communication session is a necessary condition for terminating the session, if the communication server (or network device) were receiving a content transmission from the communication network 64, then the communication server would *not* terminate the session. In other words, Applicant respectfully submits that McHale’s communication server terminating or disabling of a data communication session between a subscriber system and a communication network when there is no data activity in the session is inapposite with respect to, *inter alia*, a client-side computer that is operative in receiving a content transmission from a content source, distributing the content to requesting clients, and terminating the content transmission being received by the client side

computer when the client side computer is not distributing the content to any of the requesting user terminals, as claimed by Applicant (claim 1).

For at least the foregoing reasons, Applicant respectfully submits that that claim 1 is patentably distinct over Mai and McHale, individually or in combination. Applicant notes that independent claims 12, 20, 23, 27, 29 and 30 each includes one or more limitations similar to those discussed above in connection with distinctions between claim 1 and Mai and McHale. Accordingly, Applicant respectfully submits that each of these independent claims is patentably distinct based on at least similar reasoning for the corresponding limitations. Applicant further submits that the prior art of record, including McCanne, individually or in any combination (e.g., including in combination with Mai and/or McHale), does not remedy the deficiencies described hereinabove with respect to claim 1, and thus with respect to the other independent claims as well.

Moreover, it is submitted that each of the dependent claims is allowable for at least the reasons discussed above. Applicant respectfully submits, however, that the dependent claims recite additional limitations that provide additional bases for patentable distinction over the prior art of record, and Applicant respectfully reserves the right to present such bases. Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the final Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments..

Conclusion

In view of the above, it is submitted that all pending claims are patentable and the application is in condition for allowance, and Applicant respectfully requests early reconsideration and allowance of the application.

Applicant gratefully acknowledges the Examiner's consideration of this matter, and respectfully invites the Examiner to contact Applicant's undersigned representative by telephone on any outstanding issue regarding the application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

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By: David V. Rossi (Reg. No. 36,659)

FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151
212-588-0800